

**IVINS  
CITY COUNCIL  
MINUTES  
February 4, 2016**

**1) WELCOME AND CALL TO ORDER**

**MAYOR AND COUNCIL:** The meeting was called to order at 5:30 p.m. and announced there was a quorum present.

All present included Mayor Hart, Council Member Mehr, Council Member McDonald, Council Member Johnson, Council Member Roberts, and Council Member Densley.

**STAFF:** City Manager/Attorney Dale Coulam, Director of Public Safety Bob Flowers, and Director of Finance Wally Ritchie.

**EXCUSED:** None.

**Audience:** Scott Raine, Gwen Harrington, Tim & Judy Terrell, Becky & Chuck Warren, Robert & Mary Beck and others who did not sign in.

A. Acknowledgement of Quorum

**Mayor Hart** acknowledged there was a quorum present

B. Flag Salute

**Council Member Mehr** led the Flag Salute

C. Invocation

**Council Member Mehr** gave the Invocation

D. Disclosures

There were no disclosures or conflicts of interest with items on this meeting's agenda.

**2) REPORTS, PRESENTATIONS AND APPOINTMENTS**

A. Department Reports: Parks and Recreation & Public Safety

**Mayor Hart** reported that Benny Sorensen was excused by a written report was provided. A copy of the report is available by request through Ivins City Hall.

**Chief Flowers** referred to a written report that was provided, a copy of which is available by request through Ivins City Hall. He reported that the Public Safety Department have been providing training to staff at the schools and that has gone extremely well. There are concerns regarding speeding in school zones and they are looking at some technology to help crossing guards. The emergency manuals have been completed and the Mayor and City Council will be receiving an electronic copy of those in the near future. He reported that some resident have left their garages and vehicles open and items have been stolen. An SCI officer made a traffic stop recently and arrested the individual for those thefts. There are a couple of SCI personnel attending an international training this week in San Diego, California and they have reported that the training has been invaluable. **Mayor Hart** reported that resident Amy Hansen thanked him and the Public Safety Department for addressing the speeding concerns in school zones. She has noticed that there is a marked difference in the morning but there are still issues in the afternoon. **Chief Flowers** indicated that SCI will not be giving warnings to those that are stopped speeding in the school zones.

B. Planning Commission Report

**Chairman Loris** reported that the Planning Commission discussed the Zoning Ordinance text that included the Table of Uses to streamline the process by reducing the number of Public

Hearings that are held. That discussion is before the City Council tonight. They also discussed the subdivision ordinance and text.

### **3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

None

### **4) PUBLIC HEARING AND ACTION ITEMS**

None

### **5) DISCUSSION AND POTENTIAL ACTION ITEMS**

#### **A. Discuss and consider cross training requirements for Public Safety Officers**

**Dale Coulam** stated that the City started out providing only Fire Rescue Service. When the City began its ambulance service, the level of training was raised to EMT Intermediate. EMT Intermediate was then changed to EMT Advanced which raised the training level. The City amended its license and upgraded the service to Paramedic. The City now has Paramedics and EMT Advanced who run the ambulance service. Ivins City now has several part-time employees on the ambulance service instead of volunteer Fire Fighters who respond to medical calls. Ivins City's Police Officers to date are fully cross trained in Fire 1 and EMT Advanced. The EMT certification has to be renewed annually where the Fire training is renewed every three (3) years. Currently when a Police Officer responds to a medical or fire call, they initially provide the basics like First Aid and CPR, and then assume the law enforcement role once the ambulance arrives. In this situation the City is taking officers off the streets and, at great expense to the City, is providing more training than is really required for their job. Rather than bringing all of the job descriptions forward, for now he would like to handle the EMT aspect of it and remove the mandated requirement of EMT training and replace that with the requirement to be certified in First Aid and CPR. He suggested leaving the fire requirement in the job descriptions for now. The City may eventually require more of a CERT type of training for law enforcement rather than the full Fire 1 certification. **Council Member Roberts** inquired in general how often an EMS Police Officer arrives before the ambulance. **Chief Flowers** stated that they arrive first most of the time or are right there with them. **Dale Coulam** indicated that as Fire Rescue which were volunteers responding, the Police Offices were there quite some time in advance of the volunteer fire/rescue. However, the ambulance, which is manned full-time at the Fire Station, often beats law enforcement to the scene. It's when they're out in another location in the City or on a transport that a Police Officer may arrive first. **Chief Flowers** stated that currently most of Ivins Police Officers have their EMT certification but it's extremely difficult to keep that certification up because it can take six (6) weeks out of the year for training to keep that certification. He would like to see that dropped as a job requirement. The City is very good with the enhanced ambulance services and patient care is not going to be compromised, otherwise he wouldn't be recommending this change. **Council Member Johnson** inquired if the Officer would basically be a First Responder. **Chief Flowers** indicated "yes". **Council Member Densley** inquired if employees wanted to get more training, if they could do that on a volunteer basis. **Chief Flowers** stated yes and that it would be done on their own time and at their own cost. If they bring more certifications to the table than are required, the City should recognize that through their compensation. **Council Member Mehr** inquired when this would take effect. **Dale Coulam** clarified that the City would still recognize the certifications in employees' compensation and just change the requirement for new hires. **Council Member**

**McDonald** inquired if employees that have certifications now but allow those to expire, would they lose their pay. **Chief Flowers** indicated that's a possibility. **Council Member Roberts** inquired if when hiring a new officer who becomes an EMT if the City sees that as an advantage. **Chief Flowers** stated that would be an advantage. **Dale Coulam** clarified that when it was first put in place with the extra pay, the cross-training was an incentive to come work for Ivins and make more money.

**MOTION: Council Member Densley moved to approve the revised cross training requirements for Public Safety Officers**

**SECOND: Council Member Roberts**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

**B. Continued discussion and consider approval of applications for RAP Tax funding**

**Roger Head** with Arboretum indicated they have been working with the State Department of Natural Resources Division of Water for the funding of their project. They are trying to fund their \$30,000 project and the funding request that they had originally submitted to Ivins and the State was for the Arboretum to contribute \$3,000 to the project, they have asked Ivins City for \$9,000 and the Kayenta Arts Foundation has indicated that they will contribute \$3,000 towards the project and request matching funds from the State. He contacted the Director of the Division of Water Resources and was told that they are on board and have their funding committed but only committed \$6,000 rather than a match although they were agreeable to fund \$10,000 if the Arboretum and Kayenta Arts Foundation would each contribute \$5,000 instead of \$3,000. That would get them to \$20,000. Rather than requesting \$9,000 from Ivins, he requested the Mayor and City Council think about contributing an additional \$1,000, for a total of \$10,000 from Ivins to the project. Information regarding the Arboretum and the Kayenta Art Village were handed. A copy of the information is available by request through Ivins City Hall. **Council Member McDonald** inquired if the Arboretum had proof that the State is providing the purported funding. **Roger Head** stated that the commitment was verbal but he'll be contacting them after the City makes a final decision. **Mayor Hart** stated that as the cost of wholesale water increases, more people will be interested in knowing what they can do to reduce their water use. The Arboretum's project provides education and a demonstration garden to assist with that and is a valuable project. He proposed to the Council that this project has value in terms of water use and perhaps they should look at contributing \$5,000 from the RAP funding and then in the new budget in July, contribute \$5,000 from the Water Fund to their project, as an educational component of what they're doing. **Council Member Densley** referred to Benny's list of projects and he favored the Ivins Reservoir project because he felt it would be the best use for the whole of Ivins and the most use. **Council Member Roberts** referred to the amount for the Desert Rose Park project and inquired if that is budgeted for or if that is Benny's request. **Dale Coulam** clarified that some of what's already budgeted is from impact fees or where the City has a contractual obligation to put in the Desert Rose park. Where the City starts running into concerns is putting in the park amenities. The City intends to put in the walkway that goes

around the detention basin and do that in this fiscal year. In the next fiscal year the City intends to landscape and install one of the amenities. The amenities are pickleball, a pavilion and playground. **Council Member Roberts** wasn't sure there would be enough RAP funds to contribute to the Arboretum project but stated that whatever funds the City Engineer could come up with from the water department for the project, he would fully support. **Council Member Densley** inquired how much money Ivins City would receive from the RAP tax. **Mayor Hart** clarified that it was approximately \$75,000 with \$25,000 going to the Arts, \$25,000 going to Recreation and \$25,000 going to parks. He referred to the use of the reservoir and indicated that recreation is a personal thing and there are people who will frequent the arboretum and not spend a minute at the reservoir. The City can't suggest that everyone is going to use one of the facilities more than the other. Ivins is not going to see any other entities outside of the City requesting support from the RAP tax funding in the Parks and Recreation area. **Council Member Johnson** indicated that the RAP tax was given to Ivins to distribute and intended for people to request funds for projects like this. She suggested that the City match what the Arboretum is contributing and contribute \$5,000 to the project. **Council Member McDonald** stated that he spoke with Benny Sorensen and discussed that most of the Parks are paid for out of impact fees. He expressed his desire to use RAP tax funds for replacement of equipment because that is not paid for out of the impact fees. Council Member McDonald wasn't against the Arboretum, he just had questions. **Dale Coulam** clarified that many cities in Washington County don't give any park/recreation distributions for RAP tax and keep that money just for city projects. As far as looking at the budget and what's planned and if this request is a one-time request, he didn't have an issue with what the Mayor has suggested of contributing \$5,000 from the RAP tax this year and \$5,000 from the Water Fund in July. But he would like to see all of the parks/recreation RAP money go to City projects next year. **Council Member Densley** indicated that before he was comfortable contributing money to the Arboretum, he wanted to see a plan and cost breakdown for the project. **Council Member Mehr** inquired if the City has asked for requirements and stipulations of those who have received funding from the RAP tax. The **Mayor and City Council** clarified that the City has.

**MOTION: Council Member McDonald moved to approve the use of RAP Tax funding up to \$5,000 with the stipulation that the Arboretum receive their match funding that they discussed with the Council and that they provide a plan of use**

**SECOND: The motion did not receive a second and was lost**

**MOTION: Council Member Mehr moved to approve RAP Tax funding to be given to Kayenta Desert Arboretum up to \$5,000**

**SECOND: - The motion did not receive a second and was lost**

**MOTION: Council Member Mehr moved to approve RAP Tax funding to be given to Kayenta Desert Arboretum up to \$5,000 with the condition that they show the Council the plan on how they're going to use the money**

**SECOND: Council Member Johnson**

**No one voted on the motion and the motion was lost**

**MOTION: Council Member Mehr moved to amend the last motion to include a detailed plan and cost estimates**

**SECOND: Council Member Johnson**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

**C. Discuss and consider residential solar and net metering**

**Mayor Hart** stated he invited Ivins resident Scott Raine to introduce this. There is pending legislation and there is a concern that level of cooperation with a particular utility that might spread to other municipal power utilities regarding additional restrictions as to how one can incorporate a solar supplement to their power supply, which would make it more expensive. After the explanation, he would like the City Council to authorize the Mayor to take an official position on behalf of the City, which would then go to the Legislators from this area, in the hopes that they would act. He handed out information to the City Council, a copy of which is available by request through Ivins City Hall. He indicated that he has been looking at solar systems and in doing so discovered that the cost of solar systems have decreased and the reliability and functionality of those systems have increased. That along with the incentives offered, can make sense to install a solar system and utilize "net metering" where a solar energy system owner receives credit for electricity that they add to the grid. He felt that Rocky Mountain Power is starting to get cold feet on individually owned solar systems. **Mayor Hart** stated that Ivins is a unique City and launched a solar initiative and through the Rocky Mountain Power Blue Sky Grant where solar panels were installed and approximately 40% of Ivins City Hall and other City buildings are powered by solar on a net meter. **Dale Coulam** raised a legal issue, having worked for the Division of Public Utilities in the Attorney Generals Office in the State of Utah. From a regulatory standpoint, there's a component to the rate that may not be directly tied to net metering so he sees this as two separate issues. The one issue is comparable to roads where cities across Utah are falling behind on maintenance of roads because there are now more energy efficient cars that are not paying as much gasoline tax and yet use the roads that need to continually be maintained. A similar argument is raised with homes that have their own solar system in place. At times they have to rely on power provided by a power utility and infrastructure is required to be placed in the ground that brings power to those homes. The rate structure has to account for that infrastructure, otherwise that cost is born by all of the customers that do not have solar and that would not be fair. At the time he served at the Attorney Generals Office, he was confident in the Public Service Commission and the Public Utilities for the State of Utah because they took all of those factors into account fairly. **Mayor Hart** indicated that he wasn't suggesting that Ivins object to a fair rate structure. The objection would be to the elimination of a net metering program. **Council Member Roberts** inquired if Santa Clara City and the City of St. George receive franchise fees for their utilities. **Wally Ritchie** clarified that State Statute allows cities to collect a franchise fee up to 6% from their utilities. They can chose to take less than that but he's aware that Santa Clara City receives 6% from their own municipal power company. **Council Member Roberts** was concerned with Rocky Mountain Power increasing everybody's rates to accommodate the law that keeps them from net metering. **Scott Raine** clarified that if the decision was left up to the Public Service Commission, he would be comfortable that they'd make the right decisions although he's hearing

that Rocky Mountain Power is saying that if the Public Service Commission does not give them what they want, they will bypass the Public Service Commission and go the legislature. **Council Member Roberts** was concerned with not hearing Rocky Mountain Power's side of this issue. **Mayor Hart** clarified that if the City Council authorized a letter to be sent, it would be very simple one requesting the rate structures be handled through the Public Service Commission and that they be fair to net metered customers and that the legislature does not permit the elimination of a net metering program. The City Council authorized the Mayor to send a letter.

D. Continued discussion and consider approval of Ordinance No. 2016-03, an Ordinance of Ivins City, Utah, amending the Appendices section of Chapter 14.06 of the Ivins City Code entitled "Fire Code"

**Dale Coulam** reported that he spoke with Fire Chief Randy Hancey who clarified that he drove the ladder truck in an 80 foot cul-de-sac without any cars parked there and could turn fine; however, he said he would not be able to do that with cars parked in the cul-de-sac. It was recommended that the City not change the minimum requirement of a cul-de-sac and stay with a 96 foot cul-de-sac. Regarding the size make up, the International Fire Code came up with 96 foot minimum size of cul-de-sac. He still requested that the City not be required to place fire lane signage throughout the City for the fire access roads. **Council Member Johnson** indicated that she did extensive research on the minimum size cul-de-sacs and found that for the most part the size remained at 96 feet and the municipalities that went to the smaller 80 foot size, had the advanced apparatus' that had a better turning radius. Ivins Fire Department is made up primarily of volunteers and are novice drivers of the apparatus'. She suggested the minimum size cul-de-sacs remain at 96 feet. **Council Member Roberts** inquired why there's a requirement to turn around. **Council Member Johnson** stated to face away from a situation.

**MOTION: Council Member Mehr moved to approve Ordinance No. 2016-03, an Ordinance of Ivins City, Utah, amending the Appendix D to read "entitled fire apparatus access roads, except the requirement of fire lane signage shall not apply" otherwise as written**

**SECOND: Council Member Johnson**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

Roll call vote. All Council Members voted in favor.

E. Discuss and consider approval of the Development Agreement for the Encanto Resort.

**Dale Coulam** indicated that he met with the developer and drafted the initial draft which was accepted in its entirety by the developer's attorney. This project was presented as a resort/condo project and the buildings went from one type of two-story units to another two-story version that totaled 80 rental units. The developer was still receiving objections from neighboring projects and potential buyers where they did not like the two-story element. The City Council subsequently approved a Preliminary Plan for a single story project that has 30 buildings for a total of 60 units. The owners have a choice of renting the casita, the primary residence or the

entire residence. If all of the units are mandated to be in the rental pool it creates a security which means the units are required to be sold by a securities broker, registration of the security and would adversely affect the ability to obtain financing. The current Development Agreement is worded as strongly as possible to encourage overnight rentals and the units are designed with no extra closet or storage space that would encourage someone to live there year round. By default all of the units would be considered second homes with the tax benefit of a second home as well as the hotel tax for the units that are rented out.

**MOTION: Council Member Densley moved to approve the Development Agreement for the Encanto Resort**

**SECOND: Council Member McDonald**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

**F. Discussion regarding Public Hearing requirements for conditional uses and subdivision overlay applications**

**Dale Coulam** stated that the Land Use Development and Management Act (LUDMA) was passed in 2005 and the intent of that statute was to streamline the process. The legislature has mandated municipalities to streamline their ordinances. Ivins City currently holds two (2) Public Hearings for all land use issues, including ones that are purely administrative and LUDMA does not require any public hearing. The subdivision ordinance requires one (1) Public Hearing but no Public Hearing requirement for a conditional use permit. The Subdivision Ordinance itself says there shall be a Public Hearing at the Planning Commission, who makes a recommendation and it then goes to the City Council for a final decision to either follow the recommendation, modify the recommendation or deny the application if it didn't meet the requirements. The Planning Commission has determined that there are some conditional uses that are so impactful they still think a Public Hearing is necessary. Regarding only holding one Public Hearing, he inquired if the Council would like that to be held before the Planning Commission or the City Council. **Council Member Mehr** was in favor of keeping the process the way it is and holding two (2) Public Hearings; one before the Planning Commission and one before the City Council. **Mayor Hart** indicated that the City gets a room full of people on an issue that is completely in compliance but there's a lot of objection to the issue and the City Council is powerless to say no because the application complies with the ordinances. **Dale**

**Coulam** clarified that to the extent possible the City has eliminated those from a Public Hearing requirement but with the more impactful issues, the City can impose conditions to mitigate adverse impacts that a project would bring with it. **Council Member Roberts** felt that it gets ridiculous to wait when there are two Public Hearings. He thought that one (1) Public Hearing is sufficient. **Council Member Densley** agreed. **Council Member McDonald** preferred a streamlined process. **Mayor Hart** stated that over the past several years many cities have tried to tighten and clarify their ordinances to reflect what they intend to have happen in the City and to remove the arbitrary aspect of the process. **Council Member Johnson** inquired what the time frame was for the process if the City holds one (1) or two (2) Public Hearings. **Dale**

**Coulam** clarified that the time frame is the same but the cost is higher to the applicant and the City if more than one (1) Public Hearing is required and that's due to the publication requirements required by a public hearing. **Council Member Roberts** indicated that the Mayor and City Council has access to the Public Hearings in several ways including attending the Public Hearing, listening to the audio and reading the minutes - so the information is repetitive. **Mayor Hart** inquired what determines a Class 5 conditional use. **Dale Coulam** clarified the impact of the use and that is defined in the Table of Uses. **Council Member Roberts** would like to mirror the process for the subdivision with Class 5 conditional use permits where one (1) Public Hearing is held before the Planning Commission. **Council Member McDonald** agreed that one (1) Public Hearing before the Planning Commission for subdivisions was adequate but would like to hold two (2) Public Hearings for conditional use permits. **Council Member Johnson** stated that the information is available to the Mayor and City Council and they should be studying that information so she felt that one (1) Public Hearing before the Planning Commission is adequate in both situations. **Dale Coulam** stated that he would report back to the Planning Commission that the majority of City Council members agreed that one (1) Public Hearing before the Planning Commission was adequate for standard subdivisions and conditional use permits.

G. Discuss budget priorities for Fiscal Year Ending (FYE) 2017

**Wally Ritchie** provided a PowerPoint presentation to the Mayor and City Council. A copy of the presentation is available by request through Ivins City Hall. He reported that expenditures must equal revenues. Enterprise Funds can show a profit or loss. Some revenue use is restricted. Surpluses go to increase the respective fund balance and shortfalls decrease the respective fund balance. The General Fund balance must be more than 5% and less than 25% of the projected revenue. The following funds are Governmental Funds: General Fund, Debt Service Fund, MBA Fund, Capital Projects Fund and Impact Fee Funds. The following funds are Enterprise Funds: Water Fund and Waste Water Funds. Revenue for Governmental Funds comes from Taxes, Licenses and Permits, Intergovernmental, Charges for Services, Fines and Forfeitures, Program Fees and Impact Fees. Revenue for Enterprise Funds comes from Service and Usage Fees, Connection Fees, Impact Fees and Grants. Ivins City's budget premises is a soft freeze where no new employees will be hired but if an employee leaves, that employee can be replaced. The budget is flat so any discretionary increases must be covered by a comparable reduction. Social Security did not provide for a COLA (Cost of Living Allowance) for 2016. Ivins has not budgeted for salary increases, additional employees or equipment for streets. The Mayor and City Council are going to review what was provided to them and discuss the budget further at the next City Council meeting.

**6) CONSENT AGENDA**

A. Approval of amount to purchase shade structures for Red Rock Park picnic tables and playground structure

B. Approval of City Council Meeting Minutes for January 21, 2016

**MOTION: Council Member McDonald moved to approve the Consent Agenda**

**SECOND: Council Member Johnson**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE



Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

**7) CONSENT AGENDA ITEMS FOR DISCUSSION**

**8) REPORTS**

**A. Council**

**Council Member Johnson** - no report

**Council Member McDonald** - no report

**Council Member Mehr** - no report

**Council Member Roberts** - no report

**Council Member Densley** - no report

**B. Mayor**

**Mayor Hart** reported that there was a significant meeting with the Water Conservancy District regarding the pipeline and what the future of water is going to be. There is going to be an increased cost of wholesale water and some adjustments to the rate structure may need to be addressed to encourage conservation. There was a Mayors meeting on Tuesday. There's a movement towards putting a quarter of a percent road maintenance addition to sales tax on November ballot this year.

**C. City Manager/Attorney Dale Coulam**

No report

**D. Items to be placed on future agendas**

None

**9) CLOSED MEETING**

**10)ADJOURNMENT**

**MOTION: Council Member Mehr moved to adjourn**

**SECOND: Council Member McDonald**

**VOTE: The motion carried.**

Council Member Mehr	AYE
Council Member McDonald	AYE
Council Member Johnson	AYE
Council Member Roberts	AYE
Council Member Densley	AYE

The meeting adjourned at 8:40 p.m.

Respectfully,

Kari Jimenez  
Ivins City Recorder